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Arnold Schwarzenegger
Governor

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LG LETTER 164-1
REPORTING OF SIGNIFICANT OPERATIONAL COMPLIANCE
(Available electronically through links at
http://www.waterboards.ca.gov/water_issues/programs/ust/leak_prevention/lgs/

To: Local Agencies

The purpose of this letter is to update the reporting requirements of significant operational compliance (SOC) for underground storage tank (UST) facilities. The frequency of reporting SOC and the reporting form have been revised in regulations. The criteria for determining SOC have not changed, and thus the Scope of SOC reporting and Enclosure 1 remain the same as in the original LG letter.

REGULATORY CHANGES

The frequency of reporting SOC has changed from quarterly to semiannual. CUPAs/PAs must submit Report 6, which includes SOC data, by March 1 for the previous July-December period and by September 1 for the previous January through July period.

The SOC portion of Report 6 has been modified to: 1) clarify the existing categories of release detection only and release prevention only and 2) include data on facilities that are out of SOC with both release prevention and release detection.

The information submitted on Report 6 is listed in Title 23, Section 2713(c) and in Title 27, Section 15290 (b), both of which were revised effective January 18, 2008. Title 23 refers to Report 6, but the form is actually contained in the Report 6 Appendix to Title 27. The instructions are not contained in regulations but are shown, along with the Report 6 form, on the UST website:
http://www.waterboards.ca.gov/water_issues/programs/ust/forms/docs/report6_form_final.doc

http://www.waterboards.ca.gov/water_issues/programs/ust/forms/docs/report6_instructions_final.pdf

SCOPE OF SOC REPORTING

In view of the fact that the purpose of SOC is to assess nationwide compliance with the Federal program, the determination of what violation would be "significant" was based on Federal requirements. Therefore, we prepared a California version of the "significant"

Federal requirements. Even though certain California-only requirements may be "significant" to our program, they may not appear on the SOC matrices if there is no equivalent requirement in the Federal program.

USEPA has clarified that SOC should be determined based on the condition of the site when the inspector begins the compliance inspection. Even if a violation is corrected while the inspector is conducting the inspection, the facility would not be in SOC because it was not in SOC at the beginning of the inspection. For example, if at the time of the initial inspection, certain leak detection equipment is discovered to be non-operational yet is fixed or replaced during the inspection, the facility is not in SOC for reporting purposes. USEPA has made it clear that the facility must be in compliance with all relevant SOC items to be counted as "in SOC."

When determining compliance rates, a facility that does not comply with an SOC element on one matrix, but is in full compliance on the other matrix, will only be counted as being in SOC with the matrix in which that facility has met every element. If the facility does not meet every element on both the release detection and release prevention matrices, the facility will not be counted as being "in SOC" for the combined measure.

Please do not confuse "significant operational compliance" with the term "significant violation" as used with regard to red tags. Although the word "significant" is used in both phrases, they are two separate concepts. One is a measure of compliance for tracking purposes and the other is a determination of the severity of a violation for enforcement purposes. It is the violations specified in the red tag regulations, not SOC measures, that are the basis for affixing red tags.

If you have questions regarding this letter, please contact Mr. Terry Snyder at (916) 341-5385 or tsnyder@waterboards.ca.gov or Mrs. Terry Brazell at (916) 341-5645 or tbrazell@waterboards.ca.gov.

Sincerely,

Kevin L. Graves, P.E.
Underground Storage Tank Program Manager

Enclosure

SOC Matrices for California
Part I - Release Detection Matrix

A release detection method is present and operational. The release detection system meets minimum Federal performance standards. (See Requirements Below)

If underground storage tanks (USTs) are in temporary closure, yet still contain product, release detection requirements are being met. (See Requirements Below)

The Local Agency has been notified of suspected releases as required. (Cal. Code Regs., tit. 23, § 2650. [40 C.F.R. § 280.40(b).]

Release detection records are available. (To be in significant operational compliance, must have records for the two most recent consecutive months and for 8 of the last 12 months.) [40 C.F.R. §§ 280.41(a), 280.45(b).]

Hazardous substance USTs are double-walled. (Cal. Code Regs., tit. 23, § 2631, subd. (a).), [40 C.F.R. § 280.42(b).]

TANK Leak Detection Methods [40 C.F.R. § 280.43.]

Interstitial Monitoring [includes traditional and vapor, pressure, and hydrostatic (VPH) systems]
Sensors are properly located to detect a release. (Cal. Code Regs., tit. 23, §§ 2630, subd. (d), 2632, subd. (c), 2641, subd. (a) OR Health & Saf. Code, § 25290.1 subd. (e)), [40 C.F.R. §§ 280.43(g)(1), 280.43(g)(2), 280.40(a)(2).] AND
Sensors are operational. (Cal. Code Regs., tit. 23, § 2638 OR Health & Saf. Code, § 25290.1 subd. (e).)

Statistical Inventory Reconciliation (SIR) [40 C.F.R. §§ 280.43(h)(1)-(2), 280.41(a).]
SIR is performed properly. (Cal. Code Regs., tit. 23, §§ 2646.1, 2643, subd. (b)(3), 2643.1.) AND
Biennial 0.1 gph tank integrity test performed properly. (Cal. Code Regs., tit. 23, § 2646.1, subd. (g).) AND
Non-passing results are reported and properly investigated. (Cal. Code Regs., tit. 23, §§ 2646.1, subd. (d), 2646.1, subd. (f), 2646.1, subd. (h).)

Automatic Tank Gauging [40 C.F.R. §§ 280.40(a)(1)-(2), 280.43(d)(1).]
0.2 gph monthly tank gauging test performed. (Cal. Code Regs., tit. 23, § 2643, subd. (b)(1).) OR
0.1 gph monthly tank gauging test AND manual inventory reconciliation properly performed. (Cal. Code Regs., tit. 23, § 2643, subd. (b)(2).)

Manual Tank Gauging (for USTs with 1,000-gallon capacity or less) [40 C.F.R. §§ 280.43(b)(1), 280.43(b)(3)-(5).]
Weekly manual tank gauging performed properly. (Cal. Code Regs., tit. 23, § 2645.) AND
If necessary, tank integrity test conducted. (Cal. Code Regs., tit. 23, § 2645, subd. (d)(3).)

Vadoze Zone (Vapor) Monitoring [40 C.F.R. §§ 280.43(e)(3), 280.43(e)(6).]
Vadoze zone monitoring system properly installed and monitored. (Cal. Code Regs., tit. 23, §§ 2647, 2649.)

Ground Water Monitoring [40 C.F.R. §§ 280.43(f)(2), 280.43(f)(7).]
Ground water monitoring system properly installed and monitored. (Cal. Code Regs., tit. 23, §§ 2648, 2649.)

Part I - Release Detection Matrix (continued)

PIPING Leak Detection Methods [280.44]

Double-Walled Pressurized Piping (includes traditional and VPH systems)
[40 C.F.R §§ 280.40(a)(2), 280.43(g)(1), 280.43(g)(2), 280.44(a).]
ALL three of the following:
- Interstitial monitoring properly conducted. (Cal. Code Regs., tit. 23, § 2636, subd. (f)(1) OR Health & Saf. Code, § 25290.1 subd. (e).) AND
- Line leak detector present and operational. (Cal. Code Regs., tit. 23, § 2643, subd. (c)(1).) AND
- Line leak detector tested annually. (Cal. Code Regs., tit. 23, § 2641, subd. (j).)

And ONE of the following:
- Line leak detector restricts or shuts off flow of product (for non emergency generator systems). (Cal. Code Regs., tit. 23, § 2636, subd. (f)(2).) OR
- Line leak detector activates an audible or visual alarm and the monitoring system is checked daily (emergency generator systems only). (Cal. Code Regs., tit. 23, § 2636, subd. (f)(2).)

*Note: Federal regulations do not require lines that are interstitially monitored to also be tightness tested.

Double-Walled Suction Piping (includes traditional and VPH systems)
Interstitial Monitoring is conducted properly. (Cal. Code Regs., tit. 23, § 2636, subd. (f)(1) OR Health & Saf. Code, § 25290.1 subd. (e).) [40 C.F.R. §§ 280.40(a)(2), 280.43(g)(1), 280.43(g)(2).]

Single-Walled Pressurized Piping
BOTH of the following: [40 C.F.R. § 280.44(a).]
3.0 gph line leak detector present and operational. (Cal. Code Regs., tit. 23, § 2643, subd. (c)(1).) AND
Line leak detector tested annually. (Cal. Code Regs., tit. 23, §§ 2638, 2641, subd. (j).)

AND one of the following:
0.1 gph line integrity test performed annually. (Cal. Code Regs., tit. 23, § 2643, subd. (c)(3).) [40 C.F.R. §§ 280.40(a)(3), 280.41(b)(1)(ii).] OR
0.2 gph line integrity test performed monthly. (Cal. Code Regs., tit. 23, § 2643, subd. (c)(2).) [40 C.F.R. §§ 280.41(b)(1)(ii), 280.44(c).]

Single-Walled Suction Piping
0.1 gph line integrity test performed triennially (every 3 years). (Cal. Code Regs., tit. 23, § 2643, subd. (d).) [40 C.F.R. §§ 280.40(a)(3), 280.41(b)(2).]

Single-Walled Safe Suction Piping
Piping meets the safe suction requirements. (Cal. Code Regs., tit. 23, § 2636, subd. (a)(3)(A) – (D).) [40 C.F.R. §§ 280.41(b)(2)(i)– (v).]

Part II - Release Prevention Matrix

1. Spill container present and in good condition. (Cal. Code Regs., tit. 23, §§ 2635 subd. (b)(1), 2665.) [40 C.F.R. §§ 280.20(c)(1), 280.20(c)(1)(i), 280.21(d).]

2. The appropriate overfill prevention system is present and operational. (Cal. Code Regs., tit. 23, § 2635, subd. (b)(2), 2665.) [40 C.F.R. §§ 280.20(c)(1), 280.20(c)(1)(ii)(A), 280.20(c)(1)(ii)(B), 280.21(d).] [Note: Overfill prevention system requirement may be waived for USTs that meet the requirements of California Code of Regulations, Title 23, section 2635(b)(3).]

3. Repaired tanks or piping are tightness tested within 30 days of the repair. (Cal. Code Regs., tit. 23, § 2661, subd. (f).) [40 C.F.R. § 280.33(d).]

4. If corrosion of steel tank or piping is discovered during an upgrade or repair, the tank and piping comply with the cathodic protection (CP) applicable design, certification, installation, inspection, and testing requirements. (Cal. Code Regs., tit. 23, § 2660, subd. (n).) [40 C.F.R. § 280.33(d).]

5. The cathodic protection system is performing adequately and provides continuous protection. (Cal. Code Regs., tit. 23, § 2635(a)(2).) [40 C.F.R. §§ 280.31(a), 280.31(b)(1).] (Note: CP is required whether tanks are in operation or in temporary closure. (Cal. Code Regs., tit. 23, § 2671, subd. (b).) [40 C.F.R. § 280.70(a).])

AND

The cathodic protection system is checked by a cathodic protection tester within 6 months of installation and at least every three years thereafter. (Cal. Code Regs., tit. 23, § 2635, subd. (a)(2)(A).) [40 C.F.R § 280.31(b)(1).]

6. The impressed current cathodic protection system is checked every 60 days. (Cal. Code Regs., tit. 23, § 2635, subd. (a)(2)(A).) [40 C.F.R. § 280.31(c).]

7. Interior lined tanks are inspected within 10 years of lining installation and every 5 years thereafter; and the lining is compliant. (Cal. Code Regs., tit. 23, § 2663, subd. (h).) [40 C.F.R. § 280.21(b)(1)(ii).]

8. Buried metal tanks and piping (including fittings, connections, etc.) are corrosion protected. (40 C.F.R §§ 280.20(a)-(b) [for USTs installed after 12/22/88], 280.21(a)-(c) [for USTs installed on or before 12/22/88].)
California Code of Regulations, Title 23, sections 2635(a)(2) and 2633(b) for new tanks
California Code of Regulations, Title 23, sections 2636(b) and 2663(b) for new piping
California Code of Regulations, Title 23, section 2662(c) for existing tanks
California Code of Regulations, Title 23, section 2666(b) for existing piping